IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

Crl.Rev.Pet.No. 378 of 2007()

CRA.414/2005 of II ADDL. SESSIONS COURT, PALAKKAD
ST.749/2004 of JUDL.MAGISTRATE OF FIRST CLASS COURT-II, PALAKKAD

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REVN. PETITIONER/APPELLANT/ACCUSED:

P.LEELAVATHI,
W/O.THEYYUNNI (L),
THEYYUNNI VILLA,
SASTHA NAGAR,
AKATHETHARA,
PALAKKAD DISTRICT.

BY ADV. SRI.K.ANAND

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA.

2. K. NARAYANANKUTTY,
S/O.ACHUTHAN NAIR,
THERAYANKOTTIL HOUSE,
EZHAKKAD P.O.,
PALAKKAD.

BY ADV. SRI.M.R.NANDAKUMAR FOR R2.
BY PUBLIC PROSECUTOR SRI. C.M. KAMMAPPUR FOR R1.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 25/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.

Crl.R.P. No. 378 of 2007

Dated this the 25th day of January, 2007.

ORDER

Revision Petitioner is the accused in S.T. No. 749 of 2004 on the file of the Judicial First Class Magistrate Court–II, Palakkad. Second respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for a period of three months under section 138 of the Negotiable Instruments Act and to pay a compensation of Rs.50,000/- to PW1 within 1 month, in default, to undergo simple imprisonment for 1 month. In appeal filed by her, the conviction was confirmed but sentence was modified by the Addl. Sessions Court. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.A.No.1112 of 2007 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount is also paid by the petitioner to the satisfaction of the second respondent-complainant. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, the Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. If the petitioner is in confinement, she shall be released from jail forthwith.

Crl. M.A.No.1112 of 2007 and Revision Petition are allowed.

Hand over copy of order today itself.

K. HEMA, JUDGE.

Krs.